

REMARKS

Preliminary Amendments

With the entry of the preliminary amendments herein, claims 8-11 and 19-27 are pending in the application. Claims 26 and 27 have been added. Claims 21 and 25 have been amended to remove the term "rectangular" with regard to the "regenerative heat exchanger", and have been amended to rearrange the limitations of the heat recovery ventilator into part "(a)" of the claims. Applicants submit that no new matter has been added by these amendments.

Response to the Election of Species Requirement

The Examiner has required restriction of the application to one of two species, species A (as claimed in independent claims 8, 19 and 21) and species B (as claimed in independent claims 24 and 25), which he asserts are patentably distinct. The Examiner states that Applicants are required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is held allowable, the application containing no generic claims. The Examiner has provided no indication that the species designated A and the species designated B are in different classes or subclasses.

In response to the above-noted election of species requirement, Applicants hereby elect species A (as claimed in independent claims 8, 19 and 21) with traverse.

The Applicants hereby traverse the election of species requirement in its entirety.

The Examiner has stated that there are no generic claims in the application, and that claims 8, 19 and 21 are drawn to a different species than claims 24 and 25. Applicant respectfully submits that claims 8 and 21 are in fact generic claims with respect to the embodiments delineated in claims 24 and 25, and that a search of the embodiments claimed in claims 8 and 21, would necessary include the embodiments of claims 24 and 25.

Claim 8 recites the limitation of "a single rotating air switch mounted on said shaft, ...said air switch rotates in a single direction." Claim 24 recites the limitation of "a single

continuously rotating air switch mounted on said shaft.” Inherent in its very nature, a continuously rotating air switch of claim 24 must rotate in a single direction. If it did not, the switch would oscillate between directions, and therefore would not be “continuously rotating”. Claim 24, therefore, is directed to a single rotating air switch which rotates continuously in a single direction. Thus, claim 8 recites a genus within which the species of claim 24 falls.

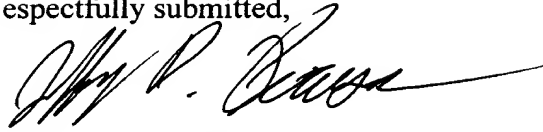
Claim 21 recites the limitation of “one rotating air switch which, during operation, rotates in a single direction...” Claim 25 recites the limitation of “one continuously rotating air switch,...”. As discussed above, a continuously rotating air switch must rotate in a single direction. Claim 25, therefore, is directed to a single rotating air switch which rotates continuously in a single direction. Thus, claim 21 recites a genus within which the species of claim 25 falls.

Applicants further submit that newly added claims 26 and 27 are also generic to claims 8, 19, 21, 24 and 25. A search of claims 26 and 27 would necessarily include a search of claims 8-11 and 19-25.

In view of the genus/species relationship, Applicants respectfully submit that a search of all pending claims of the present invention would not result in a serious burden on the Examiner. In respect specifically to species A and B, it is respectfully submitted that a search for the species designated A, and the species designated B, are likely to be in the same class and subclass (the Examiner has not indicated differently or any class at all).

Applicants respectfully request reconsideration of the election of species requirement before Applicants and the Office is put through the burden and expense of separate applications for this invention. In the event that there are any issues that can be expedited by telephone conference, the examiner is invited to telephone the undersigned at the number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey D. Peterson", with a long, sweeping horizontal line extending to the right.

Jeffrey D. Peterson

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MARKED VERSION TO SHOW CHANGES MADE

21. (Amended) A method of providing indoor ventilation [using a heat recovery ventilator having stationary rectangular regenerative heat exchangers, two blowers, one rotating air switch which, during operation, rotates in a single direction, a motor for driving the blower and air switch, all disposed in a housing, the housing having stale air openings for allowing a stale airstream to enter the housing and fresh air openings for allowing fresh air to exit from said housing, the method] comprising [the steps of]:
- (a) forcing a stale airstream from an indoor climate into a [the] housing[,] of a heat recovery ventilator having stationary regenerative heat exchangers, two blowers, one rotating air switch which, during operation, rotates in a single direction, a motor for driving the blower and air switch, all disposed in the housing, the housing further comprising stale air openings for allowing a stale airstream to enter the housing;
 - (b) blowing the stale airstream into the rotating air switch,
 - (c) transporting the stale airstream from the rotating air switch into the stationary [rectangular] regenerative heat exchangers,
 - (d) simultaneously exchanging heat and moisture from the stale airstream onto the regenerative heat exchangers and forcing the stale airstream to flow out of the housing,
 - (e) forcing fresh air into the housing and through the same regenerative heat exchangers,
 - (f) exchanging heat and moisture on the regenerative heat exchangers into the fresh airstream,
 - (g) forcing the fresh airstream, which is heated and moisturized, into the rotating air switch and through the fresh air blower, and
 - (h) forcing the fresh airstream, which is heated and moisturized, out of the housing and into the indoor climate.
25. (Amended) A method of providing indoor ventilation [using a heat recovery ventilator having stationary rectangular regenerative heat exchangers, two blowers, one continuously rotating air switch, a motor for driving the blower and air switch, all disposed in a housing, the housing having stale air openings for allowing a stale

airstream to enter the housing and fresh air openings for allowing fresh air to exit from said housing; the method] comprising [the steps of]:

- (a) forcing a stale airstream from an indoor climate into a [the] housing[,] of a heat recovery ventilator having stationary regenerative heat exchangers, two blowers, one continuously rotating air switch, a motor for driving the blower and air switch, all disposed in the housing, the housing further comprising stale air openings for allowing a stale airstream to enter the housing and fresh air openings for allowing fresh air to exit from said housing;
- (b) blowing the stale airstream into the rotating air switch,
- (c) transporting the stale airstream from the rotating air switch into the stationary [rectangular] regenerative heat exchangers,
- (d) simultaneously exchanging heat and moisture from the stale airstream onto the regenerative heat exchangers and forcing the stale airstream to flow out of the housing,
- (e) forcing fresh air into the housing and through the same regenerative heat exchangers,
- (f) exchanging heat and moisture on the regenerative heat exchangers into the fresh airstream,
- (g) forcing the fresh airstream, which is heated and moisturized, into the rotating air switch and through the fresh air blower, and
- (h) forcing the fresh airstream, which is heated and moisturized, out of the housing and into the indoor climate.